

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

vs.

(1) JOSE MARTINEZ

§  
§  
§  
§  
§  
§Case Number: SA:13-M-00800(1)  
 MD/FL-Orlando: 6:09CR54-35 KRS  
 Date: September 13, 2013  
 Time in Court: — 6 —  
 SWORN 

## PROCEEDING MEMO - INITIAL APPEARANCE

1.  Complaint Filed \_\_\_\_\_  Arrest Warrant Issued \_\_\_\_\_  
 Indictment \_\_\_\_\_ (Date)  
 Information \_\_\_\_\_  
 Prob Form 12 \_\_\_\_\_  Agency \_\_\_\_\_ U.S. Marshal \_\_\_\_\_  
 Arrested in custody - September 13, 2013 \_\_\_\_\_  
Date

2. COURT PERSONNEL:  
 Magistrate Judge: JOHN W PRIMOMO  
 Courtroom Deputy: Magda Muzza  
 Interpreter: Yes  No \_\_\_\_\_

3. APPEARANCES: For the United States: JOEY CONTRERAS - EXCUSED  
 For the Defendant: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Retained  FPD  CJA

4. PROCEEDINGS:  
 a.  Defendant found competent.  
 b.  Defendant informed of and received copy of charging document.  
 Violation: Failure to Appear \_\_\_\_\_  
 c.  Defendant informed of maximum penalty: as stated on the record  
 Up to 10 yrs. imprisonment; \$250,000 Fine; 3 yrs. S/R & \$100 S/A  
 to run consecutively \_\_\_\_\_  
 d.  Defendant informed of constitutional rights.  
*My constitutional rights have been explained to me.*  
 Date \_\_\_\_\_ Signature \_\_\_\_\_  
 e.  Defendant informed of right to Preliminary Hearing:  
 set for \_\_\_\_\_  
 OR  
 No right to Preliminary Hearing.  
 Arraignment set for \_\_\_\_\_ \*to be set and held in charging district \_\_\_\_\_

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

vs.

BENCH  
WARRANT FOR ARREST

JOSE MARTINEZ

Case Number: 6:09-cr-7-Orl-19DAB

TO: THE UNITED STATES MARSHAL  
AND ANY AUTHORIZED UNITED STATES OFFICER:

YOU ARE HEREBY COMMANDED to arrest JOSE MARTINEZ and bring him forthwith to the nearest magistrate to answer:

FAILURE TO APPEAR FOR ARRAIGNMENT SCHEDULED 1/23/09 BEFORE UNITED STATES MAGISTRATE JUDGE DAVID A. BAKER

DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE

By: Helyn S. LaTorre, Deputy Clerk

Helyn S. LaTorre  
Signature of Issuing Officer

January 23, 2009, Orlando, Florida

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_

RETURN

This Warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

# United States District Court

MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

## WARRANT FOR ARREST

v.

JOSE MARTINEZ,  
a/k/a Felix

CASE NUMBER: 6:09-cr- 54 - 35KRS

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Jose Martinez and bring him forthwith to the nearest magistrate to answer a(n)

Indictment  Information  Complaint  Order of Court  Violation Notice  Probation Violation Petition  
charging him with Failure to Appear.

In violation of Title 18, United States Code, Section(s) 3146(a)(1).

Name & Title of Judicial Officer

Deputy Clerk  
Title of Issuing Officer

L. Klele  
Signature of Issuing Officer

4/9/09 Orlando Florida  
Date and Location

L. Klele  
(By) Deputy Clerk

Bail fixed at \$ \_\_\_\_\_

by \_\_\_\_\_  
Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 6:08-cr-54-DRL-35-KRS  
18 U.S.C. § 3146(a)(1)

JOSE MARTINEZ  
a/k/a "Felix"

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

F I L E D

2009 APR -9 AM 8:29

INDICTMENT

The Grand Jury charges:

COUNT ONE

On or about January 23, 2009, in Orange County, Florida, in the Middle District of Florida,

JOSE MARTINEZ  
a/k/a Felix

the defendant herein, previously having had an initial appearance in United States District Court on a charge of violating Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii), and Title 21 United States Code, Section 846, both felonies punishable by life imprisonment, and having been released on bail pursuant to the provisions of Title 18, United States Code, Chapter 207, knowingly failed to appear before United States Magistrate Judge David A. Baker for initial appearance (in this District) and arraignment in United States v. Jose Martinez, Case No. 6:09-cr-7-Orl-19DAB and United States v. Jose Martinez, 6:08-mj-01268-DAB-2, as required by the conditions of release.

All in violation of Title 18, United States Code, Sections 3146(a)(1) & (b)(1)(A)(i).

A TRUE BILL,

Deanne S. Starn  
Foreperson

**A. BRIAN ALBRITTON**  
United States Attorney

By:

Vincent S. Chiu

Vincent S. Chiu  
Assistant United States Attorney

By:

R. B. Handberg

Roger B. Handberg  
Assistant United States Attorney  
Chief, Orlando Division

BOND, INTERPRETER

**U.S. District Court  
Middle District of Florida (Orlando)  
CRIMINAL DOCKET FOR CASE #: 6:09-cr-00007-PCF-DAB-1**

Case title: USA v. Martinez  
Magistrate judge case number: 6:08-mj-01268-DAB

Date Filed: 01/14/2009

Assigned to: Senior Judge Patricia C.

Fawsett

Referred to: Magistrate Judge David A.  
Baker

**Defendant (1)**

**Jose Martinez**  
*also known as*  
Felix

represented by **Robert Alan Leventhal**  
Robert A. Leventhal, P.A.  
220 N. Rosalind Avenue  
Orlando, FL 32801  
407/849-6161  
Fax: 407-843-3838  
Email: bob@robertleventhal.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

NARCOTICS - POSSESSION  
(1)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

21:841A=CD.F -- Controlled substance  
-- sell, distribute or dispense

**Disposition**

**Plaintiff****USA**

represented by **Suzanne C. Nebesky**  
 US Attorney's Office - FLM  
 Suite 3200  
 400 N Tampa St  
 Tampa, FL 33602  
 813/274-6000  
 Email: [suzanne.nebesky@usdoj.gov](mailto:suzanne.nebesky@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Vincent Chiu**  
 US Attorney's Office - FLM  
 Suite 300  
 501 W Church St  
 Orlando, FL 32805  
 407/648-7566  
 Fax: 407/648-7643  
 Email: [vincent.chiu@usdoj.gov](mailto:vincent.chiu@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/13/2008	<u>1</u>	COMPLAINT as to Jose Martinez (1), Hector Francisco (2), Amaury Martinez (3). (HSL) [6:08-mj-01268-DAB] (Entered: 08/13/2008)
08/13/2008	<u>5</u>	NOTICE of possible conflict of interest by USA as to Jose Martinez, Hector Francisco, Amaury Martinez : NONE (HSL) [6:08-mj-01268-DAB] (Entered: 08/13/2008)
08/18/2008	<u>6</u>	NOTICE of attorney appearance Vincent Chiu appearing for USA. (Chiu, Vincent) [6:08-mj-01268-DAB] (Entered: 08/18/2008)
10/01/2008	<u>19</u>	NOTICE of attorney appearance: Robert Alan Leventhal appearing for Jose Martinez (Leventhal, Robert) [6:08-mj-01268-DAB] (Entered: 10/01/2008)
10/15/2008	<u>23</u>	Minute Entry for proceedings held before Magistrate Judge Gregory J. Kelly: INITIAL appearance as to Jose Martinez held on 10/15/2008. (digital) (Interpreter/Language: Vanessa Wagenknecht) (KKK) [6:08-mj-01268-DAB] (Entered: 10/16/2008)
10/15/2008	<u>24</u>	ORDER appointing Vanessa Wagenknecht as interpreter in this action as to Jose Martinez. Signed by Magistrate Judge Gregory J. Kelly on 10/15/2008. (KKK) [6:08-mj-01268-DAB] (Entered: 10/16/2008)
10/15/2008	<u>25</u>	ORDER OF DETENTION as to Jose Martinez. Detention Hearing set for 10/22/2008 at 10:30 AM in Courtroom 5 D before Magistrate Judge Karla R. Spaulding. Signed by Magistrate Judge Gregory J. Kelly on 10/15/2008. (KKK) [6:08-mj-01268-DAB] (Entered: 10/16/2008)

10/15/2008	<u>26</u>	ARREST WARRANT returned executed on 10/15/08 as to Jose Martinez. (LAK) [6:08-mj-01268-DAB] (Entered: 10/16/2008)
10/22/2008	<u>28</u>	Minute Entry for proceedings held before Magistrate Judge Karla R. Spaulding. Detention Hearing as to Jose Martinez held on 10/22/2008, PRELIMINARY examination as to Jose Martinez held on 10/22/2008. (DIGITAL) (Interpreter/Language: Vanessa Wagenknecht/ Spanish) (ECJ) [6:08-mj-01268-DAB] (Entered: 10/22/2008)
10/22/2008	<u>29</u>	WAIVER of preliminary examination or hearing by Jose Martinez. (ECJ) [6:08-mj-01268-DAB] (Entered: 10/22/2008)
11/03/2008	<u>30</u>	ORDER Setting Conditions of Release as to Jose Martinez. \$200,000 (secured surety bond). Signed by Magistrate Judge Karla R. Spaulding on 11/3/2008. (ECJ) [6:08-mj-01268-DAB] (Entered: 11/03/2008)
11/03/2008	<u>31</u>	APPEARANCE BOND entered as to Jose Martinez in amount of \$ \$200,000. Signed by Magistrate Judge Karla R. Spaulding on 11/3/2008. (ECJ) [6:08-mj-01268-DAB] (Entered: 11/03/2008)
11/03/2008	<u>32</u>	SURETY BOND entered as to Jose Martinez in amount of \$ 200,000. Receipt (Power) # 000950. (ECJ) [6:08-mj-01268-DAB] (Entered: 11/03/2008)
11/03/2008	<u>33</u>	RECEIPT for surrender of Passport as to Jose Martinez. Passport Number 1255094 issued by Dominican Republic (JET) [6:08-mj-01268-DAB] (Entered: 11/03/2008)
11/03/2008	<u>34</u>	WAIVER of speedy trial by Jose Martinez, Hector Francisco, Amaury Martinez (Leventhal, Robert) [6:08-mj-01268-DAB] (Entered: 11/03/2008)
01/14/2009	<u>35</u>	INDICTMENT returned in open Court as to Jose Martinez (1) on count 1. (RDO) (Entered: 01/14/2009)
01/14/2009	<u>36</u>	NOTICE OF HEARING as to Jose Martinez. Arraignment set for 1/23/2009 at 11:30 AM in Courtroom 6 D before Magistrate Judge David A. Baker. (HSL) (Entered: 01/14/2009)
01/15/2009	<u>37</u>	NOTICE of pendency of related cases re order of compliance to Local Rule as to Jose Martinez by USA. Related case(s): Yes (Chiu, Vincent) (Entered: 01/15/2009)
01/15/2009	<u>38</u>	CERTIFICATE of interested persons and corporate disclosure statement by USA (Chiu, Vincent) (Entered: 01/15/2009)
01/15/2009	<u>39</u>	NOTICE of attorney appearance Vincent Chiu appearing for USA. (Chiu, Vincent) (Entered: 01/15/2009)
01/15/2009	<u>40</u>	NOTICE of estimated length of trial by USA Estimated trial length: 3 days. (Chiu, Vincent) (Entered: 01/15/2009)
01/15/2009	<u>41</u>	NOTICE of possible conflict of interest by USA as to Jose Martinez (Chiu, Vincent) (Entered: 01/15/2009)
01/19/2009	<u>42</u>	Remark: docket numbers 37 and 38 have been reviewed. (Fawsett, Patricia) (Entered: 01/19/2009)

01/23/2009		Remark: Defendant failed to appear for arraignment scheduled 1/23/09 before United States Magistrate Judge David A. Baker (HSL) (Entered: 01/23/2009)
04/30/2013	<u>44</u>	NOTICE OF ATTORNEY APPEARANCE Suzanne C. Nebesky appearing for USA. <i>Re: Jose Martinez</i> (Nebesky, Suzanne) (Entered: 04/30/2013)
04/30/2013	<u>45</u>	MOTION for miscellaneous relief, specifically Motion for Declaration of Forfeiture of Bond by USA as to Jose Martinez. (Nebesky, Suzanne) (Entered: 04/30/2013)
05/22/2013	<u>46</u>	ORDER granting <u>45</u> Motion Forfeiture of Bond as to Jose Martinez (1). Signed by Magistrate Judge David A. Baker on 5/22/2013. Copies emailed. (HSL) (Entered: 05/22/2013)
06/26/2013	<u>47</u>	MOTION for miscellaneous relief, specifically Motion for Default Judgment by USA as to Jose Martinez. (Attachments: # <u>1</u> Attachment 1)(Nebesky, Suzanne) (Entered: 06/26/2013)
06/28/2013	<u>48</u>	ORDER granting <u>47</u> Motion Entry of Default Judgment as to Jose Martinez, Best Bail Bonds, and Cecilia Vargas. Signed by Senior Judge Patricia C. Fawsett on 6/28/2013. (CAC) (Entered: 06/28/2013)
07/23/2013		Mail returned as Undeliverable as to Cecilia Vargas re: <u>48</u> Order on Motion for Miscellaneous Relief. Mail Not resent to Cecilia Vargas. (IGC) (Entered: 07/23/2013)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
09/09/2013 13:04:07			
PACER Login:	us4502	Client Code:	
Description:	Docket Report	Search Criteria:	6:09-cr-00007-PCF-DAB
Billable Pages:	3	Cost:	0.30